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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,495	12/01/2004	Yasuhisa Yushio	70456-037	4932

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER

LE, UYEN CHAU N

ART UNIT	PAPER NUMBER
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2876

MAIL DATE	DELIVERY MODE
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06/25/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/516,495	Applicant(s) YUSHIO ET AL.	
	Examiner Uyen-Chau N. Le	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-27 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/01/2004 and 11/14/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Prelim. Amdt/Amendment

1. Receipt is acknowledged of the Preliminary Amendment filed 12/01/2004.

Election/Restrictions

2. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I: claims 1-6, drawn to a specific emission amount notifying device includes a sensor detecting an amount of predetermined harmful substances emitted from a vehicle, a display device, and a control device includes a central processing unit for obtaining an emission amount, etc. classified in class 73, subclass 23.2.

Group II: claims 7-21, drawn to a specific emission charging system for vehicles has a communication network connecting a management unit to a vehicle comprises a main device, detecting means, wireless communication means serving as an interface for communication network N, etc. classified in class 235, subclass 384.

Group III: claims 22-27, drawn to a specific structure and process of a device/unit comprises a receiving means, a sending means, a calculating means, and a determining means, etc. classified in class 235, subclass 472.02.

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3. The inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

The inventions of Group I and Group II drawn to two different classes/subclasses (i.e., 73/23.2 and 235/384). The invention I includes a specific emission amount notifying device includes a sensor detecting an amount of predetermined harmful substances emitted from a vehicle, a display device, and a control device includes a central processing unit for obtaining an emission amount, etc. classified in class 73, subclass 23.2. The invention II drawn to a specific emission charging system for vehicles has a communication network connecting a management unit to a vehicle comprises a main device, detecting means, wireless communication means serving as an interface for communication network N, etc. classified in class 235, subclass 384. Therefore, the invention of Group I and Group II are distinct from each other.

The inventions of Group I and Group III drawn to two different classes/subclasses (i.e., 73/23.2 and 235/472.02). The invention I includes a specific emission amount notifying device includes a sensor detecting an amount of predetermined harmful substances emitted from a vehicle, a display device, and a control device includes a central processing unit for obtaining an emission amount, etc. classified in class 73, subclass 23.2. The invention III drawn to a specific structure and process of a device/unit comprises a receiving means, a sending means, a calculating means, and a determining means, etc. classified in class 235, subclass 472.02. Therefore, the invention of Group I and Group III are distinct from each other.

The inventions of Group II and Group III drawn to two different classes/subclasses (i.e., 235/384 and 235/472.02). The invention II drawn to a specific emission charging system for vehicles has a communication network connecting a management unit to a vehicle comprises a main device,

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detecting means, wireless communication means serving as an interface for communication network N, etc. classified in class 235, subclass 384. The invention III drawn to a specific structure and process of a device/unit comprises a receiving means, a sending means, a calculating means, and a determining means, etc. classified in class 235, subclass 472.02. Therefore, the invention of Group II and Group III are distinct from each other.

4. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

If Group II is selected, Applicants is required to select one of the following species:

IIA. Claims 7-14 (Figures 7-8): drawn to a specific emission charging system for a vehicle performing an emission charging process without an inspection device.

IIB. Claims 15-21 (Figures 15 and 16): drawn to a specific vehicle emission charging system for performing an emission charging process with an inspection device.

If Group III is selected, Applicants is required to select one of the following species:

IIIA: Claims 22-24 (Figure 10), drawn to specific processing procedures in a management unit including one receiving means, etc.

IIIB. Claim 25 (Figure 21), drawn to specific structures and processing procedures of an inspection device comprises input means, sending means, receiving means, communication means, and determining means, etc.

IIIC. Claims 26-27 (Figures 19 and 22): drawn to specific processing procedures in a management unit including two receiving means, etc.

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Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently

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named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 571-272-2397. The examiner can normally be reached on M-F 7:00AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Uyen-Chau N. Le
Primary Examiner
Art Unit 2876

June 13, 2007